

Indiana Civil Rights Commission  
**AGENCY MONTHLY REPORT**  
May 2012



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Executive Director

# Intake

The Intake section of the report shows the number of phone, web and/or mail inquiries received from the public. It also shows the number of jurisdictional complaints drafted and mailed. The number of signed complaints received for investigation is also reported.

	Jan 2012	Feb 2012	Mar 2012	Apr 2012	May 2012	June 2012	July 2012	Aug 2012	Sept 2012	Oct 2012	Nov 2012	Dec 2012	Year to Date
Total Number of Inquiries	305	366	381	419	377								1848
Number of Complaints Drafted	61	69	64	103	103								400
% of inquiries drafted	20%	19%	17%	25%	27%								22%
Employment	43	54	45	58	81								281
Real Estate	6	4	3	8	5								26
Public Accommodation	2	4	4	5	12								27
Credit	0	0	0	0	0								0
Education	3	2	3	3	5								16
Unknown	7	5	9	37	0								58
Number of Complaints Formalized	85	84	95	73	99								436
Employment	75	67	73	57	73								345
Transferred from EEOC*	23	17	7	1	4								52
Real Estate	4	8	14	6	16								48
Transferred from HUD**	1	2	1	1	5								10
Public Accommodation	6	4	5	8	7								30
Credit	0	0	0	0	0								0
Education	0	5	3	2	3								13

\*EEOC sends cases to ICRC pursuant of the Deferral Program. These transfers are included in the total # of EEOC complaints formalized.

\*\*Reflects cases retrieved from Teapots. These transfers are included in the total # of HUD complaints formalized.

# Inquiries by Region

This section provides a breakdown of the inquiries received by each region.

	Jan 2011	Feb 2011	Mar 2011	Apr 2011	May 2011	June 2011	July 2011	Aug 2011	Sept 2011	Oct 2011	Nov 2011	Dec 2011	Year to Date
Total Number of Inquiries by Region	305	366	381	419	377								1848
Region 1	40	51	38	53	46								228
Region 2	22	36	38	40	26								162
Region 3	11	13	22	31	22								99
Region 4	7	11	12	13	10								41
Region 5	132	146	156	158	148								740
Region 6	26	37	35	35	32								165
Region 7	18	12	18	21	29								98
Region 8	18	19	19	11	24								91
Region 9	17	19	16	28	27								107
Unknown	14	22	27	29	13								105

**Region 1:** Jasper, Lake, LaPorte, Newton, Porter, Pulaski and Starke

**Region 2:** St. Joseph, Elkhart, Marshall, Fulton, Kosciusko, Wabash, Cass and Miami

**Region 3:** LaGrange, Steuben, Noble, Dekalb, Whitley, Allen, Huntington, Wells and Adams

**Region 4:** White, Benton, Warren, Tippecanoe, Carroll, Clinton, Fountain and Montgomery

**Region 5:** Boone, Hamilton, Hendricks, Marion, Hancock, Morgan, Johnson and Shelby

**Region 6:** Howard, Grant, Blackford, Jay, Tipton, Madison, Delaware, Randolph, Henry, Wayne, Rush, Fayette, Union and Franklin

**Region 7:** Vermillion, Parke, Putnam, Vigo, Clay, Owen, Sullivan, Greene and Monroe

**Region 8:** Knox, Daviess, Martin, Lawrence, Gibson, Pike, Dubois, Orange, Crawford, Posey, Vanderburgh, Warrick, Spencer and Perry

**Region 9:** Brown, Bartholomew, Clark, Dearborn, Decatur, Floyd, Franklin, Harrison, Jackson, Jefferson, Jennings, Ohio, Ripley, Scott, Switzerland and Washington

**Unknown:** If the location of the inquiry cannot be identified.



# Legal

The Legal section tracks cases receiving probable/reasonable cause, as well as provides information on active cases being handled by the Legal Department.

	Jan 2011	Feb 2011	Mar 2011	Apr 2011	May 2011	June 2011	July 2011	Aug 2011	Sept 2011	Oct 2011	Nov 2011	Dec 2011	Year to Date
Probable/Reasonable Cause Findings	12	2	4	5	4								27
Employment	9	2	3	2	3								19
Real Estate	3	0	1	3	0								7
Public Accommodation	0	0	0	0	0								0
Education	0	0	0	0	1								1
Credit	0	0	0	0	0								0
Active Cases	45	48	44	49	54								
Employment	24	28	29	32	34								
Real Estate	9	9	7	9	11								
Public Accommodation	6	6	5	5	5								
Education	6	5	3	3	4								
Credit	0	0	0	0	0								
Average Age of Cases since NOF*													

\*NOF (Notice of Finding). This includes cases that are now pending in state court.

## Probable Cause Findings for the current month

This section provides detailed information on probable cause findings.

**Williams v. Rock Bottom Restaurant** is an employment case based on sex. Complainant alleged that Respondent terminated her because she was pregnant.

**Decenzo v. Admiral Petroleum** is an employment case based on disability. Complainant alleged that she was denied a reasonable accommodation.

**Sheets v. Meijer** is an employment case based on disability. Complainant alleged that Respondent refused to hire her because she is disabled.

**Lark v. Vogue Beauty College** is an education case based on race. Complainant alleged that he was subjected to different terms and conditions.

## Final Orders

This section provides information on cases that receive Final Orders by The Commission.

N/A

## Legal Updates

This section provides information on legal news, passing or changes in law and other state and local laws affecting The Commission.

### Articles of Interest:

[Why Being Overweight Could Earn You a Lower Salary](#) (5/2/2012)

Many forms of discrimination persist in the workplace, but a new study highlights prejudice that most people wouldn't even think about: obesity bias. In a new study in the International Journal of Obesity, researchers found a 66% increase in weight bias over the last 10 years, a level of discrimination that's comparable to racial bias in the workplace. Currently, Michigan is the only state where weight discrimination is specifically outlawed at work. Everywhere else, including Indiana, employers are off the hook if they have a "legitimate business reason" to deny an overweight person a job.

[Harry Belafonte to receive Indiana Black Expo 'Living Legend Award'](#) (April 30, 2012)

Entertainment legend and social activist Harry Belafonte will highlight the list of awardees at the Indiana Black Expo, Inc. Corporate Luncheon

[Hundreds rally downtown for women's rights](#) (April 25, 2012)

Women's rights are becoming the center of political debate. Equal pay for women is one of the issues and reproductive rights another.

[ACLU: 3 Indiana girls expelled over Facebook jokes](#) (April 25, 2012)

The American Civil Liberties Union (ACLU) is suing a northwest Indiana school district that says it expelled three eighth graders for joking on Facebook about which of their classmates they would like to kill. The lawsuit filed said it violated the girls' free speech rights.

[Statement on Equal Pay Day April 17, 2012](#) (April 17, 2012)

Equal Pay Day is the annual recognition of the date on which a woman's average earnings equal a man's average earnings in the prior year. Despite almost 50 years of enforcement of the Equal Pay Act and Title VII of the Civil Rights Act of 1964, wage disparities between men and women have not been eliminated. (Furthermore, equal pay has been a hot topic for debate recently).

[Case against trucking company backfires on EEOC](#) (April 4, 2012)

In detailed accounts to the EEOC, dozens of female employees of one of the nation's largest trucking companies told of being groped and assaulted by male drivers during cross-training rides. But rather than leading to a workplace discrimination judgment, the EEOC sexual harassment lawsuit against Cedar Rapids, Iowa-based CRST Van Expedited, Inc. has backfired and put the EEOC on trial. The agency is coping with a court ruling that would make it harder and more expensive to pursue large discrimination cases against companies in the Midwest, if not nationwide.

The teenager at Arsenal Tech High School that was suspended for bringing a stun gun to school (below) made national news yesterday. The topic of bullying has garnered lots of media attention in recent months. I will keep you updated on any media requests regarding this issue.

[Teen expelled for using stun gun against bullies](#) (5/8/2012, CNN.com)

A gay teenager who pulled a stun gun on students he said bullied him has been expelled from his Indianapolis high school until January.

"While the district does not condone bullying, it also does not allow weapons to be brought on our school campuses for any reason," a spokeswoman for Indianapolis Public Schools said Tuesday. "Students who violate this rule will be held accountable."

[Butler to resolve federal issue regarding scholarship distribution](#) (5/8/2012, Indy Star)

*School's information shows women under-represented on rosters but with the majority of scholarship funding*

Butler has entered into an agreement with the U.S. Department of Education's Office of Civil Rights to resolve a Title IX issue by Sept. 1 over women's sports and men's scholarships.

[EEOC Issues Enforcement Guidance](#) (4/25/2012, EEOC.gov)

*Commission updates guidance on employer use of arrest and conviction records*

While Title VII does not prohibit an employer from requiring applicants or employees to provide information about arrests, convictions or incarceration, it is unlawful to discriminate in employment based on race, color, national origin, religion, or sex. The guidance builds on longstanding guidance documents that the EEOC issued over twenty years ago.

[Restaurant Accused of Firing Woman Over Pregnancy](#) (May 10, 2012—RTV-6)

*Indiana Civil Rights Commission Investigating Kokomo Eatery*

The Indiana Civil Rights Commission said Thursday that there is probable cause to believe that a woman who worked at Rock Bottom Grill was subject to unlawful discrimination because of her pregnancy.

[HUD makes available \\$85 million to fund housing for extremely low-income persons with disabilities](#) (May 15, 2012—HUD.gov)

*New Section 811 demonstration links state housing agencies with state Medicaid agencies*

The U.S. Department of Housing and Urban Development makes \$85 million available to state housing agencies to provide affordable supportive housing for extremely low-income persons with disabilities. This is the first time in the history of HUD's [Section 811 Supportive Housing for Persons with Disabilities Program](#) that funding will be offered to state housing agencies that meet new eligibility criteria, including having a partnership with a state health and human services and Medicaid agency to provide essential support and services.

[EEOC makes state charge data available on-line](#) (May 14, 2012—EEOC.gov)

*Table presents employment discrimination statistics in user-friendly format*

Click [here](#) to view Indiana's statistics.

[Indiana diocese denies discrimination over IVF](#) (May 15, 2012—Bloomberg Business Week)

An Indiana diocese asked a federal court on Monday to reject a lawsuit by a former parochial school teacher who claims she was fired for violating Roman Catholic doctrine by using in vitro fertilization to try to get pregnant.

[State partners with Valpo diversity group](#) (5/23/2012, Northwest Indiana Times)

The city's Advisory Human Relations Council learned Tuesday about resources and support available through the Indiana Civil Rights Commission. Commission representatives Jamal Smith and Danny Lopez said their agency enforces Indiana civil rights law.

[In Indiana, domestic violence can pose dilemma for employers](#) (5/20/2012, Indianapolis Star)

*Worker was fired after she told employer she'd gotten restraining order*

[Civil rights groups want to help choose Indianapolis public safety director](#) (5/18/2012, Indianapolis Star)

*Community search effort urged to choose Straub's replacement*



[IPS School Board to seek outside help to look into bullying of gay student](#) (5/16/2012, Indianapolis Star)

*Anti-bullying protesters gather outside school district headquarters*